

### **REMARKS**

Reconsideration of this application is requested in light of the foregoing amendments and the following remarks. This response amends claims 1, 7-10, 12, and 17. No claims are added or cancelled. Claims 1-23 remain pending in this application.

### **CLAIM REJECTIONS UNDER 35 USC § 103**

#### **Claims 1-9, 11-12, and 15-23:**

In the Office Action, claims 1-9, 11-12, and 15-23 are rejected under 35 USC 103(a) as being unpatentable over Pelaez et al. (U.S. Patent 7,142,839, hereinafter Pelaez) in view of Aljadeff et al. (US Patent 6,963,289, hereinafter Aljadeff). Applicant has amended claims 1, 7-10, 12, and 17 and respectfully traverses the rejection.

Pelaez discloses a wireless communications system 10 for transmitting media to a group of wireless terminals 12 (*see* col. 2, lines 18-21). The system includes a Call State Function Controller (CSFC) 14, an Application Server (AS) 16, and a Location Server (LS) 20 (*see* FIG. 2). The LS 20 determines which wireless terminals are within a proximity of a location (*see* col. 2, lines 60-62). The LS 20 provides the locations of the wireless terminals to the AS 16, and the AS 16 uses the location information to group the wireless terminals based on the position of the location and the size of the proximity (*see* col. 2, lines 42-48, and col. 3, lines 25-31). The CSFC 14 acts as a call gateway for transmitting the media messages to the group of wireless terminals via wireless interfaces 15 (*see* col. 2, lines 32-38 and FIG. 2, and col. 3, lines 36-38).

Aljadeff discloses a wireless local area network (WLAN) in which location units and a master unit within the WLAN receive RFID tag transmissions and can determine the location of a tag by triangulation (*see* Abstract).

Applicant's claims 1-9, 11-12, and 15-23 include at least the following features, which distinguish these claims from that which is taught or suggested by Pelaez in view of Aljadeff:

Claims 1-6:

“An apparatus for forming a Wireless Personal Area Network (WPAN) from a plurality of Personal Area Network (PAN) devices, comprising:

a location determinator configured to address a radio frequency identification (RFID) tag function of each of said plurality of PAN devices, and to determine a location for each of said plurality of PAN devices using an RFID tag location technique;

a comparator coupled to the determinator and configured to compare said location for each of said plurality of PAN devices with a WPAN association criteria in order to determine an identification of each of said plurality of PAN devices that at least partially satisfy said WPAN criteria; and

a communication link coupled to the comparator configured to transmit, to said plurality of PAN devices that at least partially satisfy said WPAN criteria, said identification of each of said plurality of PAN devices that at least partially satisfy said WPAN criteria in order to form a WPAN in which said plurality of PAN devices that at least partially satisfy said WPAN criteria mutually and directly intercommunicate with each other over wireless links.”

Claims 7, 12, 17, and the claims that depend therefrom include similar distinguishing features, and are not listed here for purposes of brevity.

Pelaez is directed to non-analogous art. More specifically, Applicant's claims are directed to formation of a Wireless Personal Area Network (WPAN), and Pelaez is not. Instead, Pelaez is directed to the identification of a group of wireless terminals, which are not PAN devices, and to transmitting media messages to the group of wireless terminals. Although the Office Action (item 7) states that Pelaez discloses an apparatus for forming a WPAN from a plurality of PAN devices, Applicant respectfully disagrees. As mentioned above, the wireless terminals of Pelaez do not intercommunicate and, accordingly, are not PAN devices. In addition, nowhere in Pelaez is the formation of a WPAN disclosed. In order to clarify this distinction,

Applicant has amended claims 1, 7, 12, and 17 to indicate the direct intercommunication between PAN devices within a WPAN. Once again, the wireless terminals of Pelaez do not communicate with each other directly, and therefore they are not PAN devices, and therefore do not form a WPAN.

Aljadeff does not make up for the deficiencies of Pelaez, and Aljadeff is directed to non-analogous art for reasons that are similar to those discussed in the previous paragraph in conjunction with Pelaez. In addition, Applicant's claims include various features that are clearly distinguishable from that which is disclosed by Aljadeff. For example, an RFID tag of Aljadeff does not form a portion of a PAN device, among other distinguishing things.

Neither Pelaez, Aljadeff nor their combination teach or suggest all the limitations of Applicant's claims 1-9, 11-12, and 15-23, and Pelaez and Aljadeff are directed to non-analogous art. Based on the claim amendments and the above remarks, Applicant believes that the rejection of claims 1-9, 11-12, and 15-23 under 35 U.S.C. 103(a) has been overcome. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn, and that claims 1-9, 11-12, and 15-23 be allowed.

Claims 10, 13, and 14:

In the Office Action, claims 10, 13, and 14 are rejected under 35 USC 103(a) as being unpatentable over Pelaez and Aljadeff, and further in view of Van Valkenburg (Pub. No. US 2005/0180343, hereinafter Van Valkenburg). Applicant has amended claims 7 and 12, from which claims 10, 13, and 14 depend, and respectfully traverses the rejection.

Pelaez and Aljadeff were previously discussed. Van Valkenburg discloses a method for network formation that focuses on Bluetooth networking, and in particular on networking using the PAN profile (*see* para. [0001]).

As discussed above in conjunction with the rejection of claims 1-9, 11-12, and 15-23, neither Pelaez, Aljadeff nor their combination disclose, suggest or motivate the features of Applicant's claims 7 or 12, from which claims 10, 13, and 14 depend. Further, Van Valkenburg

does not make up for the deficiencies in Pelaez and Aljadeff. Because neither Pelaez, Aljadeff, Van Valkenburg nor their combination teach or suggest all of the claim limitations, a 35 U.S.C. 103(a) obviousness rejection cannot be sustained. Based on the amendments and the above remarks, Applicant believes that the rejection of claims 10, 13, and 14 under 35 U.S.C. 103(a) has been overcome. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn, and that claims 10, 13, and 14 be allowed.

### **CONCLUSION**

In view of Applicant's amendments and remarks, it is respectfully submitted that the Examiner's rejections have been overcome. Accordingly, Applicant respectfully submits that the application, as amended, is in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicant's attorney at (480)385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2019 for any fee which may be due.

Respectfully submitted,  
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